



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-2982



Robert Hillis  
204 Middlesex Street  
North Andover, MA 01845

**LETTER OF DEFICIENCY**  
# SP-2002 -01  
January 4, 2002

RE: DES Shoreland File # SP-01-104-1, #23 Whitney's Grove, Derry, NH

Dear Mr. Hillis:

On December 5, 2001, personnel from the Department of Environmental Services ("DES") conducted an inspection of the property, more specifically referenced on Town of Derry Tax Map 16 as Lot 16 ("the Lot"). The purpose of the inspection was to determine compliance with RSA 482-A, RSA 483-B, the NH Code of Administrative Rules Wt 100-800, and Env-Ws 1400.

During the inspection the following was documented:

1. Seven trees had been cut on the property with stumps ranging in size from 7" to 36" in diameter.
2. Slash and related tree-cutting debris have been piled in a wetland area.
3. It was evident that equipment had been operated below the reference line of Big Island Pond during drawdown, resulting in disturbance to the bed bottom. Specifically, ruts were observed to the bed-bottom, sawdust and other tree-cutting debris was also observed.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration report to DES for review and approval. The following should be included in the restoration report:
  - a. An explanation of why the trees were cut. If the trees were considered "hazard trees", please provide documentation that verifies the trees were unsafe.
  - b. Confirmation that the slash will be removed from the wetland area and how that will be achieved.

Deficiency #3 is the responsibility of TLS Tree Service to correct. DES will be coordinating with TLS to restore the lakebed.

2. Implement the restoration only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If the work is done without a permit, this is considered a violation RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

RSA 483-B, The New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-A and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A or RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

The written restoration report outlining corrective measures shall be addressed as follows:

Allyson Gourley  
Shoreland Compliance Coordinator  
Department of Environmental Services  
6 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley (603) 271-6876.

Sincerely,

**COPY**  
Mary Ann Tilton

Senior Enforcement Officer  
Wetlands Bureau

**CERTIFIED MAIL**

cc: DES Water Division, Rene Pelletier, Manager, Land Resources Management Program  
DES Enforcement Coordinator, Gretchen Rule ✓  
Derry Conservation Commission  
Derry Board of Selectman  
Derry Code Enforcement Officer, Fred Kelley  
TLS Tree Service